

BORA LASKIN LAW LIBRARY



3 1761 10083531 3

SOURCEBOOK ON  
PSYCHIATRY, MENTAL HEALTH AND THE LAW

Professor B. M. Dickens

1985/86

FACULTY OF LAW  
UNIVERSITY OF TORONTO

RA  
1951  
1952  
1953

LAW LIBRARY

AUG 15 1985

FACULTY OF LAW  
UNIVERSITY OF TORONTO

FACULTY OF LAW LIBRARY  
UNIVERSITY OF TORONTO

SOURCEBOOK ON  
**PSYCHIATRY, MENTAL HEALTH AND THE LAW**

Professor B. M. Dickens

1985/86

FACULTY OF LAW  
UNIVERSITY OF TORONTO



Digitized by the Internet Archive  
in 2018 with funding from  
University of Toronto

# PSYCHIATRY, MENTAL HEALTH AND THE LAW

## TABLE OF CONTENTS

<b>PART I</b>	<b>COURSE OUTLINE</b>	1.1
<b>PART II</b>	<b>READINGS FOR RESEARCH</b>	2.1
<b>PART III</b>	<b>TEXTS</b>	
	Legal Evolution of the Concept of Brain Death	3.1
	Withholding Paediatric Medical Care: <u>Re Superintendent of Family and Child Service and Dawson et al.</u>	3.5
	Retardation and Sterilization	3.13
	Book Review (of Frank J. Ayd, ed., <u>Medical, Moral and Legal Issues in Mental Health Care</u> )	3.37
	<u>Report on Mental Disorder in the Criminal Process -- Law Reform Commission of Canada</u>	3.39
	The Sense of Justice and Criminal Responsibility	3.65
	Sexual Aggression and the Law: Implications for the Future	3.80
	Ethical and Legal Issues in Medical Management of Sex Chromosome Abnormal Adolescents	3.97
	Dangerous Offenders: Legal Issues	3.107
	Prediction, Professionalism and Public Policy	3.134
	Report of the Commission of Inquiry into the Confidentiality of Health Records: Recommendations -- Krever, J., Commissioner	3.150
	[Mental Health Information Systems:] Problems and Prospects	3.179
	Legal Protection of Psychiatric Confidentiality	3.191
	Ethical Issues in Psychiatric Research	3.218

## **PART IV                    STATUTORY REFERENCES**

### **A.     CONSTITUTIONAL AND FEDERAL ENACTMENTS**

<b>Constitution Act, 1982</b> (Sch. B. of the Canada Act, 1982, c. 11 (U.K.)) <u>[extracts]</u>	4.1
<b>Canadian Bill of Rights</b> , R.S.C. 1970, App. III.	4.4
<b>Canadian Human Rights Act</b> , S.C. 1976-77, c. 33 <u>[extracts]</u> , as amended	4.5
<b>Criminal Code</b> , R.S.C. 1970, c. C-34 <u>[extracts]</u> , as amended	4.10

### **B.     PROVINCIAL ENACTMENTS**

<b>Dependent Adults Act</b> (Alberta), R.S.A. 1980, c. D-32, as amended	4.21
<b>Business Practices Act</b> , R.S.O. 1980, c. 55 <u>[extracts]</u>	4.45
<b>Courts of Justice Act, 1984</b> , S.O. 1984, c. 11 <u>[extract]</u>	4.47
Ontario Regulation 560/84 (" <b>Rules of Civil Procedure</b> ") under the <b>Courts of Justice Act</b> <u>[extracts]</u>	4.47
<b>Developmental Services Act</b> , R.S.O. 1980, c. 118, as amended	4.54
<b>Evidence Act</b> , R.S.O. 1980, c. 145 <u>[extracts]</u>	4.61
<b>Family Benefits Act</b> , R.S.O. 1980, c. 151 <u>[extracts]</u>	4.62
Regulation 318 (" <b>General</b> "), R.R.O. 1980 <u>[extracts]</u> , as amended (under the <b>Family Benefits Act</b> )	4.63
<b>Human Rights Code, 1981</b> , S.O. 1981, c. 53 <u>[extracts]</u> , as amended	4.64
<b>Interpretation Act</b> , R.S.O. 1980, c. 219 <u>[extracts]</u>	4.70

<b>Limitations Act, R.S.O. 1980, c. 240 [<u>extracts</u>]</b>	4.71
<b>Marriage Act, R.S.O. 1980, c. 256 [<u>extracts</u>]</b>	4.73
<b>Mental Health Act, R.S.O. 1980, c. 262, as amended</b>	4.74
Regulation 609 (" <b>Application of Act</b> "), R.R.O. 1980 [ <u>extracts</u> ], as amended (under the <b>Mental Health Act</b> )	4.91
<b>Mental Incompetency Act, R.S.O. 1980, c. 264</b>	4.92
<b>Powers of Attorney Act, R.S.O. 1980, c. 386, as amended</b>	4.101
<b>Private Sanitaria Act, R.S.O. 1980, c. 391 [<u>extracts</u>], as amended</b>	4.104
<b>Provincial Offences Act, R.S.O. 1980, c. 400 [<u>extracts</u>]</b>	4.112
<b>Public Trustee Act, R.S.O. 1980, c. 422</b>	4.114
<b>Variation of Trusts Act, R.S.O. 1980., c. 519</b>	4.117





**PART I****COURSE OUTLINE**

**Psychiatry, Mental Health and the Law** is a seminar about the rights and responsibilities of the mentally ill, the mentally retarded and those charged with caring for them. After the instructor's initial overview (in lecture format) of the subject's central themes, each student will have the opportunity to give a presentation on a relevant topic. There is plenty of room for flexibility. Guest speakers and field trips may also be arranged. **Evaluation**, however, will be based exclusively on a term-length paper (which will satisfy the law school's writing requirement) or on a final examination, at the student's option. Subject to Faculty Council approval, a take-home examination may also be offered.

The substance of the course will comprise as many as possible of the following issues:

**I. MENTAL HEALTH AND THE CIVIL LAW****A. CIVIL CAPACITY**

1. Common Law Criteria and Consequences
  - a. civil capacity and civil procedure
  - b. capacity to contract
  - c. capacity to incur tort liability
  - d. capacity to marry
  - e. testamentary capacity and other property dispositions
  - f. capacity to instruct counsel
  - g. capacity to consent to medical or institutional treatment
2. Statutory Proceedings
  - a. Mental Incompetency Act
  - b. Part III of the Mental Health Act

**B. GUARDIANSHIP**

1. Personal Guardianship
  - a. general

1.2

- b. brain death and life-support systems: the role of the guardian
- c. the mentally retarded
  - i. general
  - ii. retardation and sterilization

2. Property Guardianship

- a. powers of attorney
- b. Mental Health Act
- c. Mental Incompetency Act

**C. CIVIL DETENTION**

- 1. Criteria and Procedures: Part II of the Mental Health Act
- 2. The Right to Treatment While Institutionalized
- 3. Restraint and Treatment Without Consent: the Right to Refuse Treatment

**II. MENTAL HEALTH AND THE CRIMINAL JUSTICE SYSTEM**

**A. QUESTIONS OF CAPACITY**

- 1. Procedural
  - a. forms of procedural capacity
    - i. capacity to instruct counsel
    - ii. fitness to plead and stand trial
  - b. detecting procedural capacity: psychiatric remands
    - i. criminal offences
    - ii. provincial offences
- 2. Substantive: The Capacity to Form Mens Rea
  - a. the insanity defence
  - b. automatism
  - c. diminished responsibility
  - d. public welfare offences

**B. QUESTIONS OF DISPOSITION**

- 1. Pre-trial Detention: Mentally Disordered Suspects
- 2. Sentencing and Treatment

- a. criminal detention and civil detention
- b. Lieutenant Governor's warrants
  - i. assignment to appropriate facilities
  - ii. arrangements for review and release
- c. dangerous offender proceedings: Part XXI of the Criminal Code
  - i. punishment
  - ii. treatment
- d. post-sentence psychiatric disorder

### **III. FORENSIC PSYCHIATRY AND PSYCHIATRIC EVIDENCE**

#### **A. CRIMINAL JUSTICE**

- 1. Psychiatric remands
- 2. The Insanity Defence
- 3. Dangerous Offender Proceedings

#### **B. CIVIL PROCEEDINGS**

- 1. In Court
  - a. Mental Incompetency Act
  - b. section 56 of the Mental Health Act
  - c. other proceedings
- 2. Review Boards
  - a. Parts II and III of the Mental Health Act
  - b. the Criminal Code

### **IV. LEGAL CONTROL OF PSYCHIATRIC PRACTICE**

#### **A. THE COMMON LAW: PSYCHIATRIC MALPRACTICE**

- 1. Toward the Patient
  - a. contractual liability
  - b. tort liability
    - i. the duty to inform and respect the patient's wishes
      - A) in general
      - B) in psychiatric research

1.4

- C) the therapeutic privilege of non-disclosure
  - ii. negligence in therapy and treatment
  - iii. wrongful commitment
  - iv. failure to restrain
  - v. breach of confidentiality

2. Toward Third Parties

- a. failure to warn of apprehended peril
- b. failure to restrain
- c. the duty to warn of impending release

**B. PROFESSIONAL REGULATION AND DISCIPLINE**

**V. MENTAL HEALTH AND CIVIL LIBERTIES**

**A. THE CHARTER**

- 1. The Fundamental Freedoms
- 2. The Right to Vote
- 3. Section 7
- 4. The Presumption of Innocence
- 5. Cruel and Unusual Treatment
- 6. Other Legal Rights
- 7. Equality Rights and "Mental Disability"

**B. HUMAN RIGHTS LEGISLATION**

- 1. The Federal Act
- 2. The Ontario Code

### READINGS FOR RESEARCH

The works below have been culled almost exclusively from the English language periodical literature. There has been no effort to be exhaustive even within that literature or to evaluate the works for inclusion on criteria of merit. Students are encouraged not to overlook the abundance of useful material available in book form.

1. Adams, Susie "Psychiatric Testimony & The Issue of Future Dangerousness" 20 Houston L. Rev. 1179 (1983).
2. Anand, R. "Involuntary Civil Commitment in Ontario: The Need to Curtail the Abuses of Psychiatry" 57 Can. Bar Rev. 250 (1979).
3. Annas, George J. "The Incompetent's Right to Die: The Case of Joseph Saikewicz" Hastings Centre Report 21 (1978).
4. Annas, George J. "Judges at the Bedside: the Case of Joseph Saikewicz" 1 Medicolegal News 10 (1978).
5. Annas, George J. "Reconciling Quinlan and Saikewicz: Decision Making for the Terminally Ill Incompetent" 4 Am. J. L. & Medicine 367 (1979).
6. Annas, George J. & Densberger, Joan E. "Competence to Refuse Medical Treatment: Autonomy v. Paternalism" 15 Toledo L. Rev. 561 (1984).
7. Apodaca, Lillian & Fink, Lori "Criminal Law: Premenstrual Syndrome in the Courts?" 24 Washburn L.J. 54 (1984).
8. Appelbaum, Paul S. "Hospitalization of the Dangerous Patient: Legal Pressures and Clinical Responses" 12 Am. Acad. Psychiatry & L. Bull. 323 (1984).
9. Appelbaum, Paul S. "Is the Need for Treatment Constitutionally Acceptable as a Basis for Civil Commitment?" 12 Law, Medicine & Health Care 144 (1988).
10. Appelbaum, Paul S. "Standards for Civil Commitment: A Critical Review of Empirical Research" 7 Int'l J. L. & Psychiatry 133 (1984).
11. Appelbaum, Paul S. & Bateman, A.L. "Competency to Consent to Voluntary Psychiatric Hospitalization: A Theoretical Approach" 7 Am. Acad. Psychiatry & L. Bull. 390 (1980).



12. Appelbaum, Paul S., et al. "Confidentiality: An Empirical Test of the Utilitarian Perspective" 12 Am. Acad. Psychiatry & L. Bull. 109 (1984).
13. Aronin, Douglas "Cults, Deprogramming, and Guardianship: A Model Legislative Proposal" 17 Colum. J.L. & Social Problems 163 (1982).
14. Arons, B.S. "Working in the 'Cuckoo's Nest': An Essay on Recent Changes in Mental Health Law and the Changing Role of Psychiatrists in Relation to Patient and Society" 9 Toledo L. Rev. 73 (1977).
15. Aynes, R.L. "Behavior Modification: Winners in the Game of Life?" 24 Cleve. St. L. Rev. 422 (1975).
16. Baker, D. "Ontario's Mental Health (Amendment) Act 1978" 2 Leg. Med. Q. 177 (1978).
17. Baker, William L. "Castration of the Male Sex Offender: A Legally Impermissible Alternative" 30 Loyola L. Rev. 377 (1984).
18. Baldwin, D. "O'Connor v. Donaldson: Involuntary Civil Commitment and the Right to Treatment" 7 Colum. Human Rights L. Rev. 573 (1975-76).
19. Barnett, C.F. "Treatment Rights of Mentally Ill Nursing Home Residents" 126 U. Pa. L. Rev. 578 (1978).
20. Barnhart, B.A., Pinkerton, M.L. & Roth, R.T. "Informed Consent to Organic Behaviour Control" 17 Santa Clara L. Rev. 39 (1977).
21. Baron, C.H. "Assuring 'Detached but Passionate Investigation and Decision': The Role of Guardians Ad Litem in Saikewicz-type Cases" 4 Am. J. L. & Medicine 111 (1978).
22. Barron, E.L. "A Parent's Right to Seek Sterilization for an Incompetent Minor" 16 The Forum 1081 (1981).
23. Bartholomew, A.A. and Milte, K.L. "Prisoners' Rights and Behaviour Therapy" 12 Aust. & N.Z. J. of Criminology 222 (1979).
24. Batt, John & Bastien, Christopher P. "Suicide as Compensable Claim under Workers' Compensation Statutes: A Guide for the Lawyer and the Psychiatrist" 86 W. Va. L. Rev. 369 (1984).

25. Baum, Edwin M. "Handicapped Prisoners: An Ignored Minority?" 18 Colum. J. L. & Soc. Problems 349 (1984).
26. Bays-Beinart, Donna J. "Exclusive Juvenile Jurisdiction to Authorize Sterilization of Incompetent Minors" 16 Indiana L. Rev. 835 (1983).
27. Beck, James C. "When the Patient Threatens Violence: An Empirical Study of Clinical Practice after Tarasoff" 10 Am. Acad. Psychiatry & L. Bull. 189 (1982).
28. Beck, J.H. "Employment Law and the Mentally Handicapped" 6 Dalhousie L.J. 258 (1980).
29. Benjamin, T.B. & Lux, K. "Solitary Confinement as Psychological Punishment" 13 Cal. Western L. Rev. 265 (1977).
30. Bernstein, H. Carol "Psychotherapist-Patient Privilege under Federal Rule of Evidence 501" 75 J. Crim. L. & Criminology 388 (1984).
31. Beyer, S. "Madness and Medicine: The Forcible Administration of Psychotropic Drugs" [1980] Wisc. L. Rev. 497.
32. Brakel, S.J. "Legal Aid in Mental Hospitals" 1 Am. Bar Foundation Rsch. J. 21 (1981).
33. Brandt, G.J. "Liability of Custodial Institutions for Torts of Patient-Inmates" 1 Leg. Med. Q. 193 (1977).
34. Brazier, Margaret "Prison Doctors and their Involuntary Patients" [1982] Public Law 282.
35. Brewer, Peter J. "Massachusetts Applies Substituted Judgment to Probate Court Sterilization Proceedings - In re Moe" 17 Suffolk U. L. Rev. 211 (1983).
36. Brooks, A.D. "The Constitutional Right to Refuse Antipsychotic Medications" 8 Am. Acad. Psychiatry & L. Bull. 179 (1981).
37. Brown, P.N. "Guilt by Physiology: The Constitutionality of Tests to Determine Predisposition to Violent Behavior" 48 So. Calif. L. Rev. 489 (1974).
38. Brown, R.S. & Curtis, R.W. "The Castration Alternative" 19 Can. J. Criminology & Corrections 157 (1977).
39. Bruggeman, A.L. "Guardianship of Adults with Mental Retardation: Towards a Presumption of Competence" 14 Akron L. Rev. 321 (1980).

40. Buchanan, A.E. "The Limits of Proxy Decisionmaking for Incompetents" 29 U.C.L.A. L. Rev. 386 (1981).
41. Burgdorf, R.L. Jr. & Burgdorf, M.P. "The Wicked Witch is Almost Dead: Buck v. Bell and the Sterilization of Handicapped Persons" 50 Temple L.Q. 995 (1977).
42. Burnett, Barbara A. "Voluntary Sterilization for Persons with Mental Disabilities: The Need for Legislation" 32 Syracuse L. Rev. 913 (1981).
43. Burns, Robert E., Casenote on Tarasoff v. Regents of the University of California, 9 Akron L. Rev. 191 (1975).
44. Burns, Robert P. "Behavior Modification as a Punishment" 22 Am. J. Jurisprudence 19 (1977).
45. Burnstin, Sheila M. "Constitutional Law - Due Process - Civil Commitment - Absent Treatment, A Nondangerous Mentally Ill Person Able to Survive Safely in Society Has a Constitutional Right to Release - O'Connor v. Donaldson" 51 Wash. L. Rev. 764 (1976).
46. Butler, K.A. "A Chance to be Heard: An Application of Bellotti v. Baird to the Civil Commitment of Minors" 32 Hastings L.J. 1285 (1981).
47. Byrne, Paul A. et al. "Brain Death: The Patient, The Physician and Society" 18 Gonzaga L. Rev. 429 (1982/83).
48. Cantor, N.L. "Quinlan, Privacy, and the Handling of Incompetent Dying Patients" 30 Rutgers L. Rev. 243 (1977).
49. Cassidy, P.S. "The Liability of Psychiatrists for Malpractice" 36 U. Pgh. L. Rev. 108 (1974).
50. Cerveney, Kathleen L. & Kent, Marian J. "The Psychotherapist - Patient Privilege in Federal Courts" 59 Notre Dame L. Rev. 791 (1984).
51. Citarella, K.C. "Case Comment on Parham v. J.R.: Civil Commitment of Children by Parents" 25 N.Y. Law School L. Rev. 1001 (1980).
52. Clausing, Marilee "The Acceptance of Brain Death as a Legal Definition of Death in Illinois: In Re Haymer" 33 De Paul L. Rev. 207 (1983).
53. Cobun, Lynnette S. "The Insanity Defense: Effects of Abolition Unsupported by a Moral Consensus" 9 Am. J. L. & Medicine 471 (1984).



54. Cogbill, J.V. "Outpatient Mental Health Care Services - A Minor's Right" 13 U. Richmond L. Rev. 915 (1979).
55. Cohen, Fred "Old Age as a Criminal Defense" 21 Crim. L. Bull. 5 (1984).
56. Colabrese, Carol A. "In re Storar: The Right to Die and Incompetent Patients" 43 U. Pgh. L. Rev. 1087 (1982).
57. Coleman, S.S. "Involuntary Sterilization of the Mentally Retarded: Blessing or Burden?" 25 So. Dakota L. Rev. 55 (1980).
58. "Commitment Following an Insanity Acquittal" 94 Harv. L. Rev. 605 (1981).
59. "Constitutional Law - Mental Health Law - Right to Treatment - Youngberg v. Romeo" 29 N.Y. Law School L. Rev. 513 (1984).
60. "Constitutional Law - The Rights of Involuntarily Committed Mentally Retarded Persons under the Fourteenth Amendment - Youngberg v. Romeo" 31 Kansas L. Rev. 451 (1983).
61. Cook, Douglas H. "Tort Liability for Cult Deprogramming: Peterson v. Sorlien" 43 Ohio State L.J. 465 (1982).
62. Cort, Rebecca S. "Judicial Schizophrenia: An Involuntarily Confined Mental Patient's Right to Refuse Anti-psychotic Drugs" 51 U.M.K.C. L. Rev. 74 (1982).
63. Craige, B. "Case Comment on Rennie v. Klein: Constitutional Right of Privacy Protects a Mental Patient's Refusal of Psychotropic Medication" 57 No. Car. L. Rev. 1481 (1979).
64. Cramin, Corey S. "Emotional Distress Damages for Cancerphobia: A Case for the DES Daughter" 14 Pac. L.J. 1215 (1983).
65. "Cults, Deprogrammers, and the Necessity Defense" 80 Mich. L. Rev. 271 (1981).
66. Cynkar, R.J. "Buck v. Bell: 'Felt Necessities' v. Fundamental Values?" 81 Colum. L. Rev. 1418 (1981).
67. Daley, D.W. "Tarasoff and the Psychotherapists's Duty to Warn" 12 San Diego L. Rev. 932 (1975).
68. Davis, D.D. "Addressing the Consent Issue Involved in the Sterilization of Mentally Incompetent Females" 43 Albany L. Rev. 322 (1979).
69. Davis, J.A.P. "Defective Children - Who Should Decide?" 9 Fam. L. 203 (1979).

70. Delgado, Richard "Cults and Conversion: The Case for Informed Consent" 16 Ga. L. Rev. 533 (1982).
71. Delgado, Richard "Organically Induced Behavioral Change in Correctional Institutions: Release Decisions and the 'New Man' Phenomenon" 50 So. Calif. L. Rev. 215 (1977).
72. Delgado, Richard et al. "'Concurrence' in Quotes: A Critical Assessment of Chief Justice Burger's Objections to a Right to Treatment for the Involuntarily Confined Mentally Ill" 15 U.C. Davis L. Rev. 527 (1982).
73. Denkin, Julie F. "In re Grady - Voluntary Sterilization and the Retarded" 34 Rutgers L. Rev. 567 (1982).
74. Dickens, Bernard M. "Legal Protection of Psychiatric Confidentiality" 1 Int'l. J. L. & Psychiatry 255 (1978).
75. Dickens, Bernard M. "Political & Legal Considerations" in Edward M. Bennett & Barry Trute, eds., Mental Health Information Systems: Problems & Prospects (Toronto: Edwin Mellen, 1983), 99-120.
76. Dickens, Bernard M. "The Right to Natural Death" 26 McGill L.J. 847 (1981).
77. Dickey, W. "Incompetency and the Nondangerous Mentally Ill Client" 16 Crim. L. Bull. 22 (1980).
78. Dickson, M.L. et al. "Planning for Retarded and Disabled People in Ontario" 5 Estates & Trusts Q. 339 (1981).
79. Dimond, Bridgit "Filling in the Statutory Gaps with the Common Law: An Analysis of the Mental Health Act, 1983" 134 New L.J. 693 (August 17, 1984).
80. Dix, George E. "Major Current Issues Concerning Civil Commitment Criteria" 45 Law & Contemp. Prob. 137 (1982).
81. Draper, G. "Due Process and Confinement for Mental Disorder" 14 Alberta L. Rev. 266 (1976).
82. Dresser, Rebecca "Feeding the Hunger Artists: Legal Issues in Treating Anorexia Nervosa" [1984] Wisc. L. Rev. 297.
83. Dudzik, Chester J. "The Scope of the Involuntarily Committed Mental Patient's Right to Refuse Treatment with Psychotropic Drugs: An Analysis of the Least Restrictive Alternative Doctrine" 28 Villanova L. Rev. 101 (1982-83).
84. Dwares, Rachel Anne "Due Process Concerns with Delayed

Psychiatric Evaluations and the Insanity Defense: Time Is of the Essence" 64 Boston U. L. Rev. 861 (1985).

85. Edwards, Susan S.M. "Pre-Menstrual Tension" 146 Justice of the Peace 476 (1982).
86. Eger, C.L. "Psychotherapists' Liability for Extrajudicial Breaches of Confidentiality" 18 Ariz. L. Rev. 1061 (1976).
87. Ellis, J.W. "Tort Responsibility of Mentally Disabled Persons" Am. Bar Foundation Rsch. J. 1079 (1981).
88. Ellis, Lee "Genetics and Criminal Behavior" 20 Criminology 43 (1982).
89. Ellis, T.S. III "Letting Defective Babies Die: Who Decides?" 7 Am. J. L. & Medicine 393 (1982).
90. Emerick, H.B. "Workers' Compensation for Mental Disabilities Resulting from Protracted Stress" 17 Willamette L. Rev. 693 (1981).
91. Engelhardt, H.T. and Malloy, Mitchell "Suicide and Assisting Suicide: A Critique of Legal Sanctions" 36 Southwestern L.J. 1003 (1982).
92. Ennis, Bruce J. "Emerging Legal Rights for the Mentally Handicapped" 2 Am. Acad. Psychiatry & L. Bull. 185 (1974).
93. Ennis, Bruce J. & Litwack, Thomas R. "Psychiatry and the Presumption of Expertise: Flipping Coins in the Courtroom" 62 Calif. L. Rev. 693 (1974).
94. Ericson, R.V. "Psychiatrists in Prison: On Admitting Professional Tinkers into a Tinkers' Paradise" 22 Chitty's L.J. 29 (1974).
95. Erlinder, C. Peter "Paying the Price for Vietnam: Post-Traumatic Stress Disorder and Criminal Behavior" 25 Boston Coll. L. Rev. 305 (1984).
96. Felch, E. "Access to Medical and Psychiatric Records: Proposed Legislation" 40 Albany L.Rev. 589 (1976).
97. Feldman, S.R. & Ward, T.M. "Psychotherapeutic Injury: Reshaping the Implied Contract and an Alternative to Malpractice" 58 No. Car. L. Rev. 63 (1979).
98. Fleming, J.G. & Maximov, B. "The Patient or His Victim: The Therapist's Dilemma" 62 Calif. L. Rev. 1025 (1974).



99. Fleming, Suzanne "Shrinks vs. Shysters: The (Latest) Battle for Control of the Mentally Ill" 6 Law & Human Behavior 355 (1982).
100. Foot, Norman "Food for Thought: Dresser on Anorexia" [1984] Wisc. L. Rev. 375.
101. Forer, Lois G. "The Prisoner and the Psychiatrist" 31 Emory L.J. 61 (1982).
102. Frey, Roger G. "The Guilty but Mentally Ill Verdict and Due Process" 92 Yale L.J. 475 (1983).
103. Friedman, P.R. "Developments in Mental Disability Law in 1980" 14 Clearinghouse Review 904 (1981).
104. Frohboese, R. & Sales, B.D. "Parental Opposition to Deinstitutionalization" 4 Law & Human Behavior 1 (1980).
105. Frolik, Lawrence A. "Discretionary Trusts for a Disabled Beneficiary: A Solution or a Trap for the Unwary?" 46 U. Pgh. L. Rev. 335 (1985).
106. Furrow, Barry R. "Public Psychiatry and the Right to Refuse Treatment: Toward an Effective Damage Remedy" 19 Harv. Civ. Rts. - Civ. Liberties L. Rev. 21 (1984).
107. Gallo, Linda V. "Youngberg v. Romeo: The Right to Treatment Dilemma and the Mentally Retarded" 47 Albany L. Rev. 179 (1982).
108. Garrity, J. "Case Note - Bartley v. Kremens (1975) - Prior to Voluntary Commitment by Parent or Guardian of Child under 18 to Mental Institution Child Entitled to Procedural Due Process - Rights Which Parents Cannot Waive" 21 Villanova L. Rev. 748 (1976).
109. Garvey, J.H. "Children and the Idea of Liberty: A Comment on the Civil Commitment Cases" 68 Kentucky L.J. 809 (1980).
110. Gelman, Sheldon "Mental Hospital Drugging - Atomistic and Structural Remedies" 32 Cleve. St. L. Rev. 221 (1983-84).
111. Gelman, Sheldon "Mental Hospital Drugs, Professionalism, and the Constitution" 72 Georgetown L.J. 1725 (1984).
112. George, H.E. "Sterilization: Who Says No?" 29 Mercer L. Rev. 821 (1978).
113. George, James E. et al. "The Therapist's Duty to Protect Third Parties: A Guide for the Perplexed" 14 Rutgers L.J. 637 (1983).

114. George, Joseph C. "Psychotherapist-Patient Sex: A Proposal for a Mandatory Reporting Law" 16 Pac. L.J. 431 (1985).
115. Gerber, R.J. "Is the Insanity Test Insane?" 20 Am. J. Jurisprudence 111 (1975).
116. Gilbert, Robert D. "Professional Obligation and the Duty to Rescue: When Must a Psychiatrist Protect His Patient's Intended Victim?" 91 Yale L.J. 1430 (1982).
117. Givelber, Daniel J. et al. "Tarasoff, Myth and Reality: An Empirical Study of Private Law in Action" [1984] Wisc. L. Rev. 443.
118. Gobert, J.J. "Psychosurgery, Conditioning, and the Prisoner's Right to Refuse 'Rehabilitation'" 61 Va. L. Rev. 155 (1975).
119. Gordon, Catherine "Temporary Detention of 'Voluntary' Patients by Hospital Authorities: Due Process Issues" 12 New Mexico L. Rev. 791 (1982).
120. Gostin, Larry "Contemporary Social Historical Perspectives on Mental Health Reform" 10 J.L. & Soc. 47 (1983).
121. Gostin, Larry "A Review of the Mental Health (Amendment) Act - I and II" 132 New L.J. 1127; 1151 (1982).
122. Gould, C. & Stiles, T. "The Prevention of Mental Retardation: The Physician's Changing Standard of Care and the Need for Legislative Action" 13 Gonzaga L. Rev. 691 (1978).
123. Gould, M. "Sex, Gender, and the Need for Legal Clarity: The Case for Transsexualism" 13 Valparaiso U.L. Rev. 423 (1979).
124. Gould, Rebecca M.J. "Procreation: A Choice for the Mentally Retarded" 23 Washburn L.J. 359 (1984).
125. Graham, J.J. "Transsexualism and the Capacity to Enter Marriage" 41 The Jurist 117 (1981).
126. Grant, G.M. "Donaldson, Dangerousness, and the Right to Treatment" 3 Hastings Const. L.Q. 599 (1976).
127. Green, B. and Paul, R. "Parenthood and the Mentally Retarded" 25 U. Toronto L.J. 117 (1974).
128. Green, B.K. "The Psychotherapist-Patient Privilege in Texas" 18 Houston L. Rev. 137 (1980).

129. Greenblatt, S.J. "The Ethics and Legality of Psychosurgery" 22 N.Y. Law School L. Rev. 961 (1977).
130. Griffith, E.J. & Griffith, E.E.H. "Duty to Third Parties, Dangerousness, and the Right to Refuse Treatment: Problematic Concepts for Psychiatrist and Lawyer" 14 Cal. Western L. Rev. 241 (1978).
131. Griffith, E.J. & Griffith, E.E.H. "The Patient's Right to Protection Against Self-Incrimination during the Psychiatric Examination" 13 U. Toledo L. Rev. 269 (1982).
132. Gunn, M.J. "Note: Mental Health (Amendment) Act 1982 (U.K.)" 56 Mod. L. Rev. 319 (1983).
133. Gutheil, Thomas G. & Mills, Mark "Legal Conceptualizations, Legal Fictions, and the Manipulation of Reality: Conflict Between Models of Decision Making in Psychiatry and Law" 10 Am. Acad. Psychiatry & L. Bull. 17 (1982).
134. Haag, J.S. & Sullinger, T.L. "Is He or Isn't She? Transsexualism: Legal Impediments to Integrating a Product of Medical Definition and Technology" 21 Washburn L.J. 342 (1982).
135. Hacker, Gayle "Medicating Committed Psychiatric Patients over their Objections: Balancing Patients' Interests and Quality of Mental Health Care" 14 Rutgers L.J. 685 (1983).
136. Halleck, S.L. "Legal and Ethical Aspects of Behavior Control" 131 Am. J. Psychiatry 381 (1974).
137. Hall Williams, J.E. "Legal Views of Psychiatric Evidence" 20 Medicine, Science & the Law 276 (1980)
138. Handford, P.R. "Intentional Infliction of Mental Distress: Analysis of the Growth of a Tort" 8 Anglo-American L. Rev. 1 (1979).
139. Harding, T.W. & Curran, W.J. "Mental Health Legislation and its Relationship to Program Development: An International Review" 16 Harv. J. Legislation 19 (1979).
140. Hare, Robert & McPherson, Leslie M. "Violent & Aggressive Behavior by Criminal Psychopaths" 7 Int'l. J.L. & Psychiatry 35 (1984).
141. Hayes, R.A. "Marriage of Male and Surgically Reassigned Transsexual Held Valid - M.T. v. J.T." 12 Tulsa L.J. 418 (1976).



142. Hayes, Robert & Hayes, Susan "Permanent Disability and Common Law Rights to Compensation" 56 Australian L.J. 643 (1982).
143. Heimberg, Steven A. "Status of the Emergency Room Psychotherapist: Privacy Rites" 30 U.C.L.A. L. Rev. 1316 (1983).
144. Heldman, V.C. "Behavior Modification and Other Legal Imbroglios of Human Experimentation" 52 J. Urban L. 155 (1974).
145. Henderson, A.G. "Mental Incapacity and the Admissibility of Statements" 23 Crim. L.Q. 62 (1980).
146. Hepworth, David "The Influence of the Concept of 'Danger' on the Assessment of 'Danger to Self and Others'" 22 Medicine, Science & the Law 245 (1982).
147. Herbsleb, J. "Institutionalization of Juveniles: What Process is Due? Parham v. J.R." 59 Nebraska L. Rev. 190 (1980).
148. Herr, S.S. "Legal Advocacy for the Mentally Handicapped" 3 Int'l. J. L. & Psychiatry 61 (1980).
149. Herr, S.S. "Rights into Action: Protecting Human Rights of the Mentally Handicapped" 26 Catholic U. L. Rev. 203 (1977).
150. Ho, B. "The Psychiatrist and the Accused: Some Evidentiary Problems" 38 U. T. Fac. L. Rev. 197 (1980).
151. Hodgeman, R.B. "Due Process and Voluntary Commitment by Parents of Juveniles to Mental Health Facilities" 49 Cincinnati L. Rev. 259 (1980).
152. Hoffman, P.M. "The 'Due Process' Rights of Minors in Mental Hospitals" 13 U.S.F. L. Rev. 63 (1978).
153. Holladay, J.N. "Due Process Limitations on Parental Rights to Commit Children to Mental Institutions: Bartley v. Kremens" 48 U. Colorado L. Rev. 235 (1977).
154. Horney, J. "Menstrual Cycles and Criminal Responsibility" 2 Law & Human Behaviour 25 (1978).
155. Horowitz, Steven "The Doctrine of Informed Consent Applied to Psychotherapy" 72 Georgetown L.J. 1637 (1984).
156. "Hospital Psychiatry: Duty to Warn Third Parties of Impending Release" 27 ATLA L. Rep. 425 (1984).

157. Jacob, J. "The Right of the Mental Patient to his Psychosis" 39 Modern L. Rev. 17 (1976).
158. James, E.L. & Allen, R. "Legal Issues and Behaviour Modification: A Canadian Perspective" 20 Can. Psychol. Rev. 175 (1979).
159. Jones, K. "The Limitations of the Legal Approach to Mental Health" 3 Int'l. J. L. & Psychiatry 1 (1980).
160. Joseph, B.C. "Postadmission Due Process for Mentally Retarded Children after Parham v. J.R. and Secretary of Public Welfare v. Institutionalized Juveniles" 29 Catholic U. L. Rev. 129 (1979).
161. Joseph, Lawrence "Causation in Workers' Compensation Mental Disability Cases: The Michigan Experience" 27 Wayne L. Rev. 1079 (1981).
162. Joseph, Lawrence "The Causation Issue in Workers' Compensation Mental Disability Cases: An Analysis, Solutions and a Perspective" 36 Vanderbilt L. Rev. 263 (1983).
163. Jost, D.T. "The Illinois Guardianship for Disabled Adults Legislation of 1978 and 1979: Protecting the Disabled from their Zealous Protectors" 56 Chicago-Kent L. Rev. 1087 (1980).
164. Jost, D.T. "The Problem of Consent for Placement, Care and Treatment of the Incompetent Nursing Home Resident" 26 St. Louis U. L.J. 63 (1981).
165. Juge, Denis P. & Shraberg, David "Marking Out Boundaries: The Relationship Between Work and Psychological Disorders, A Legal and Medical Analysis" 30 Loyola L. Rev. 249 (1984).
166. Kahn, Shari Lynne "The Right to Adequate Treatment Versus the Right to Refuse Antipsychotic Drug Treatment: A Solution to the Dilemma of the Involuntarily Committed Psychiatric Patient" 33 Emory L.J. 441 (1984).
167. Kalcheim, N.J. "Protecting the Aged Person - The Commitment Procedure" 10 Fam. L.Q. 161 (1976).
168. Katzman, S. "Parental Rights of the Mentally Retarded: The Advisability and Constitutionality of the Treatment of Retarded Parents in New York State" 16 Colum. J. L. & Social Problems 521 (1981).
169. Kaufman, Allan M. "Group Homes for the Mentally Retarded: Do These Homes Qualify as Permitted Uses in Residential Areas Zoned for the Single Family?" 12 Manitoba L.J. 43 (1982).



170. Kaufman, C.L. et al. "Informed Consent and Patient Decisionmaking: The Reasoning of Law and Psychiatry" 4 Int'l. J. L. & Psychiatry 345 (1981).
171. Kelleher, Maryellen "Psychotherapists and the Duty to Warn: An Attempt at Clarification" 19 New Eng. L. Rev. 597 (1984).
172. Kirby, G.F. "Vitek v. Jones: A Case for Prisoners' Mental Health Rights - Breakthrough and Compromise" 30 Am. U. L. Rev. 765 (1981).
173. Klein, Joel I. & Glover, Stephen I. "Psychiatric Malpractice" 6 Int'l. J. L. & Psychiatry 131 (1983).
174. Kluge, E.-H.W. "The Euthanasia of Radically Defective Neonates: Some Statutory Considerations" 6 Dalhousie L.J. 229 (1980).
175. Knezevich, Caroline A. "Decisionmaking for the Incompetent Terminally Ill Patient: A Compromise in a Solution Eliminates a Compromise of Patients' Rights" 27 Indiana L.J. 325 (1982).
176. Knuth, M.O. "Civil Liability for Causing or Failing to Prevent Suicide" 12 Loyola of L.A. L. Rev. 967 (1979).
177. Kopesky, J.P. "Psychosurgery and the Involuntarily Confined" 24 Villanova L. Rev. 949 (1979).
178. Koskoff, Y.D. "The Nature of Pain and Suffering" 13 Trial 21 (1977); 1 Advocates Q. 132 (1977).
179. Kouri, R.P. & Somerville, M.A. "Comments on the Sterilization of Mental Incompetents in Canadian Civil and Common Law" 10 U. de Sherbrooke Revue de Droit 599 (1980).
180. Kyle, La Bella "From Tarasoff to Bradley: Courts Struggle to Apply the Duty to Control Mental Patients" 14 Cumberland L. Rev. 165 (1984).
181. Lachance, D. "In Re Grady: The Mentally Retarded Individual's Right to Choose Sterilization" 6 Am. J. L. & Medicine 559 (1981).
182. Lamberson, S.M. "Sterilization of Mental Incompetents: In Re Hayes" 16 Gonzaga L. Rev. 465 (1981).
183. Landau, B. "Barriers to Consent to Treatment: The Rights of Minors in the Provision of Mental Health Services" 2 Can. J. Fam. L. 245 (1979).

184. Lange, D. "Geriatric, Psychiatric, and Legal Aspects of the Mental State of the Aged" 2 Fam. L. Rev. 266 (1979).
185. Lasky, H. "Psychiatry and California Workers' Compensation Laws: A Threat and a Challenge" 17 Cal. Western L. Rev. 1 (1980).
186. Laws, D.R. "The Assessment of Dangerous Sexual Behavior in Males" 3 Medicine & Law 127 (1984).
187. Lecklitner, Gregory L. & Greenberg, Paul D. "Promoting the Rights of the Chronically Mentally Ill in the Community: A Report on the Patient Rights Policy Research Report" 7 M.D.L.R. 422 (1983).
188. Leibson, D.J. "Recovery of Damages for Emotional Distress Caused by Physical Injury to Another" 15 J. Fam. L. 163 (1976-77).
189. Levick, M. & Wapner, A. "Advances in Mental Health: A Case for the Right to Refuse Treatment" 48 Temple L.Q. 354 (1975).
190. Lewis, Dan A. et al. "The Negotiation of Involuntary Civil Commitment" 18 L. & Soc. Rev. 629 (1984).
191. Lielbriedis, P. "Psychiatric Liability in Patient-Suicide" 3 Medicine & Law 225 (1984).
192. Linn, B.J. & Bowers, L.A. "The Historical Fallacies Behind Legal Prohibitions of Marriages Involving Mentally Retarded Persons - The Eternal Child Grows Up" 13 Gonzaga L. Rev. 625 (1978).
193. Litman, Jessica "A Common Law Remedy for Forcible Medication of the Institutionalized Mentally Ill" 82 Colum. L. Rev. 1720 (1982).
194. Lowe, R.H. "Casenote on Tarasoff v. Regents of the University of California" [1975] Utah L. Rev. 553.
195. Lowenthal, John S. "Mental Health: The Minor's Right to Due Process" 8 J. Juvenile L. 117 (1984).
196. Lowry, D.R. & Kennedy, R.M. "Clinical Law in the Area of Mental Health" [1979] Wisc. L. Rev. 373.
197. Mabutt, F.R. "Juveniles, Mental Hospital Commitment and Civil Rights: The Case of Parham v. J.R." 19 J. Fam. L. 27 (1980).
198. McComiskey, A.J. "Managing the Estates of Mentally Incompetent Individuals" 4 Health Law in Canada 6 (1983).

199. McCormick, W.O. "Involuntary Commitment in Ontario: Some Barriers to the Provision of Proper Care" 124 C.M.A. J. 715 (1981).
200. McCroskey, Mary Elizabeth "Law and Medicine - Individual Rights - The Incompetent's Right to Refuse Life-Sustaining Treatment: In re Colyer" 51 Tenn. L. Rev. 145 (1983).
201. McIvor, C.L. "Equitable Jurisdiction to Order Sterilizations" 57 Wash. L. Rev. 373 (1982).
202. McKeith, Malissa D. "Children's Inpatient Mental Health Treatment: Extending Due Process to All Commitment Procedures" 17 U.S.F. L. Rev. 797 (1983).
203. Macklin, Ruth "Some Problems in Gaining Informed Consent from Psychiatric Patients" 31 Emory L.J. 345 (1982).
204. MacMillan, E.S. "Birth-Defective Infants: A Standard for Nontreatment Decision" 30 Stanford L. Rev. 599 (1978).
205. McWhirter, K.G. & Weijer, J. "The Alberta Sterilization Act: A Genetic Critique" 19 U. Toronto L.J. 424 (1969).
206. Magnet, J.E. "Withholding Treatment from Defective Newborns: Legal Aspects" 42 Revue du Barreau 187 (1982).
207. Malcolm, J.J. "Casenote on Tarasoff v. Regents of University of California" 6 Seton Hall L. Rev. 536 (1975).
208. Manning, M. & Mewett, A.W. "Psychiatric Evidence" 18 Crim. L.Q. 325 (1976).
209. Marcus, A.M. "The Forensic Psychiatrist - A Contemporary View" 22 Can. J. Criminology & Corrections 337 (1980).
210. Marcus, David P. "Governmental Immunity and the Release of Dangerous Inmates from State Institutions: Can the State Get Away with Murder?" 33 Buff. L. Rev. 491 (1984).
211. Margulies, Peter "The 'Pandemonium Between the Mad and the Bad': Procedures for Commitment and Release of Insanity Acquittees after Jones v. United States" 36 Rutgers L. Rev. 793 (1984).
212. Mecredy-Williams, B. "Marriage Law and the Mentally Retarded" 2 Can. J. Fam. L. 63 (1979).
213. "The Mental Hospitalization of Children and the Limits of Parental Authority" 88 Yale L.J. 186 (1978).



214. Menzies, Robert J. et al. "The Fitness Interview Test: A Semi-Structured Instrument for Assessing Competence to Stand Trial, with a Proposal for Its Implementation" 3 Medicine & Law 151 (1984).
215. Merton, Vanessa "Confidentiality and the 'Dangerous' Patient: Implications of Tarasoff for Psychiatrists and Lawyers" 31 Emory L.J. 263 (1982).
216. Mickenberg, I. "Competence to Stand Trial and the Mentally Retarded Defendant: The Need for a Multi-Disciplinary Solution to a Multi-Disciplinary Problem" 17 Cal. Western L. Rev. 365 (1981).
217. Mills, Mark J. "The Rights of Involuntary Patients to Refuse Pharmacotherapy: What is Reasonable?" 8 Am. Acad. Psychiatry & L. Bull. 313 (1981).
218. Mills, Mark J. et al. "Informed Consent: Psychotic Patients and Research" 8 Am. Acad. Psychiatry & L. Bull. 119 (1980).
219. Mills, Mark J. et al. "Legal Issues in Mental Health Administration" 6 Int'l. J. L. & Psychiatry 39 (1983).
220. Mitchell, A.M. "The Objects of Our Wisdom and Our Coercion: Involuntary Guardianship of Incompetents" 52 So. Calif. L. Rev. 1405 (1979).
221. Moore, E. "Legislative Control of Shock Treatment" 9 U. S.F. L. Rev. 738 (1975).
222. Morris, Norval "The Criminal Responsibility of the Mentally Ill" 33 Syracuse L. Rev. 477 (1982).
223. Moss, S.A. "Casenote on In re Sterilization of Moore" 30 Southwestern L.J. 775 (1976).
224. Moya, C.B. & Achtenberg, R. "Behavior Modification: Legal Limitations on Methods and Goals" 50 Notre Dame Lawyer 230 (1974).
225. Mueller, D.M. "Involuntary Passive Euthanasia of Brain-stem-damaged Patients: The Need for Legislation - An Analysis and a Proposal" 14 San Diego L. Rev. 1277 (1977).
226. Mundt, Daniel H. Jr. "Is an Insanity Acquittal an Adequate Basis for Indefinite, Involuntary Commitment: Jones v. United States" 17 Creighton L. Rev. 947 (1984).
227. Munetz, Mark R. et al. "Tardive Dyskinesia and Informed Consent: Myths and Realities" 10 Am. Acad. Psychiatry & L. Bull. 77 (1982).

228. Munro, A.B. "The Sterilization Rights of Mental Retardates" 39 Washington & Lee L. Rev. 207 (1982).
229. Murphy, J.G. "Therapy and the Problem of Autonomous Consent" 2 Int'l. J. L. & Psychiatry 415 (1979).
230. Murphy, Thomas J. "Affirmative Duties in Tort Following Tarasoff" 58 St. John's L. Rev. 492 (1984).
231. Mussoff, J. "Determining the Compensability of Mental Disabilities Under Workers' Compensation" 55 So. Calif. L. Rev. 193 (1981).
232. Myers, John E.B. "Involuntary Civil Commitment of the Mentally Ill: A System in Need of Change" 29 Villanova L. Rev. 367 (1983-84).
233. Myers, R.G. "Transsexualism and the Law" 7 Am. Acad. Psychiatry & L. Bull. 306 (1980).
234. Neely, David H. "Handicapped Advocacy: Inherent Barriers and Partial Solutions in the Representation of Disabled Children" 33 Hastings L.J. 1359 (1982).
235. Nelligan, James G. "Medication and Adjudication: Extending In re Richard Roe III to Institutionalized Psychiatric Patients" 17 New Eng. L. Rev. 1029 (1982).
236. Nelson, C. et al. "Medicolegal Aspects of Transsexualism" 21 Can. Psychiatric Ass'n. J. 557 (1976).
237. Nolan, Bobbe S. "Functional Evaluation of the Elderly in Guardianship Proceedings" 12 Law, Medicine & Health Care 210 (1984).
238. Nold, Jane M. "Hidden Handicaps: Protection of Alcoholics, Drug Addicts, and the Mentally Ill Against Employment Discrimination under the Rehabilitation Act of 1973 and the Wisconsin Fair Employment Act" [1983] Wisc. L. Rev. 725.
239. O'Boyle, Robert M. "Voluntary Minor Mental Patients: A Realistic Balancing of the Competing Interests of Parent, Child and State" 37 Southwestern L.J. 1179 (1984).
240. Olivieri, L.M. "Minors' Right to Due Process: Does it Extend to Commitment to Mental Institutions?" 52 Notre Dame Lawyer 136 (1976).
241. Ottobre, J.R. "Incompetents - Sterilization - Court of Equity Has Inherent Power to Exercise Mentally Retarded

Individual's Right to Sterilization - In re Grady" 12 Seton Hall L. Rev. 96 (1981).

242. Palmer, Richard C. "Disposition of the Mentally Ill Offender in Illinois - 'Guilty but Mentally Ill'" 31 DePaul L. Rev. 869 (1982).
243. Parker, Philip J. "Surrogate Motherhood, Psychiatric Screening and Informed Consent, Baby Selling and Public Policy" 12 Am. Acad. Psychiatry & L. Bull. 21 (1984).
244. Parlour, R.R. & Jones, L.R. "The Role of the Defense Psychiatrist in Workmen's Compensation Cases" 26 J. Forensic Sci. 535 (1981).
245. Pasewark, Richard A. et al. "Criminal Recidivism Among Insane Acquittes" 5 Int'l J. L. & Psychiatry 365 (1982)
246. Peck, C.T. "Compensation for Pain: A Reappraisal in the Light of New Medical Evidence" 72 Mich. L. Rev. 1355 (1974).
247. Peck, C.T. et al. "The Effect of the Pendency of Claims for Compensation upon Behavior Indicative of Pain" 53 Wash. L. Rev. 251 (1978).
248. Perlin, M.L. "Legal Implications of Behavior Modification Programs" 4 Am. Acad. Psychiatry & L. Bull. 175 (1976).
249. Perlin, M.L. "The Legal Status of the Psychologist in the Courtroom" 4 M.D.L.R. 194 (1980).
250. Perlin, M.L. "Rights of the Mentally Handicapped" 4 Am. Acad. Psychiatry & L. Bull. 77 (1976).
251. Perr, I.N. "Liability and Electroshock Therapy" 25 J. Forensic Sci. 508 (1980).
252. Pichini, R.D. "The Right to Counsel During Court-Ordered Psychiatric Examinations of Criminal Defendants" 26 Villanova L. Rev. 135 (1980).
253. Plamondon, A.L. "Psychosurgery: The Rights of Patients" 23 Loyola L. Rev. 1007 (1977).
254. Platt, Mark "The Due Process of Community Treatment of the Mentally Ill: A Case Study" 59 Texas L. Rev. 1481 (1981).
255. Plotkin, R. "Limiting the Therapeutic Orgy: Mental Patients' Right to Refuse Treatment" 72 Northwestern U. L. Rev. 461 (1977).



256. Popp, Karen Ann "Mazza v. Huffaker: Sex with the Patient's Spouse is Negligent Psychiatric Treatment" 62 No. Car. L. Rev. 1437 (1984).
257. Press, Marc "Premenstrual Stress Syndrome as a Defense in Criminal Cases" [1983] Duke L.J. 176.
258. Prins, Herschel "The Care of the Psychiatric Prisoner - Discharge into the Community and its Implications" 23 Medicine Science & the Law 79 (1983).
259. "Protecting the Confidentiality of Pretrial Psychiatric Disclosures: A Survey of Standards" 51 N.Y.U. L. Rev. 409 (1976).
260. Puryear, Leigh L. "Youngberg v. Romeo: Moving Toward a Constitutional Right to Habilitation for the Mentally Retarded" 62 No. Car. L. Rev. 162 (1983).
261. Quint, Judy R. "The Right to Treatment in the Least Restrictive Alternative: The Confusion Remains after Youngberg v. Romeo" 19 New Eng. L. Rev. 175 (1983).
262. Rappoport, J.S. "Enforced Treatment - Is It Treatment?" 2 Am. Acad. Psychiatry & L. Bull. 148 (1974).
263. Ratcliffe, Anita F. "In re Boyer: Guardianship of Incapacitated Adults in Utah" [1982] Utah L. Rev. 427.
264. "Regulation of Electroconvulsive Therapy" 75 Mich. L. Rev. 363 (1976).
265. Rhoden, Nancy K. "The Right to Refuse Psychotropic Drugs" 15 Harv. Civ. Rights - Civ. Liberties L. Rev. 363 (1980).
266. Riskin, L.L. "Sexual Relations Between Psychotherapists and Their Patients: Toward Research or Restraint" 67 Calif. L. Rev. 1000 (1979).
267. Robertson, J.A. "Involuntary Euthanasia of Defective Newborns: A Legal Analysis" 27 Stanford L. Rev. 213 (1975).
268. Robertson, J.A. "Organ Donation by Incompetents and the Substituted Judgment Doctrine" 76 Colum. L. Rev. 48 (1976).
269. Rosenhan, D.L. "On Being Sane in Insane Places" 179 Science 250 (1973).
270. Rosenzweig, G. "High-Demand Sects: Disclosure Legislation and the Free Exercise Clause" 15 New Eng. L. Rev. 128 (1979).

271. Scherling, John B. "Automatic and Indefinite Commitment of Insanity Acquittees: A Procedural Straitjacket" 37 Vanderbilt L. Rev. 1233 (1984).
272. Schiffer, Marc E. "Psychiatric Treatment for Mentally Disordered Offenders: The Canadian Cuckoo's Nest" 41 Sask. L. Rev. 269 (1977).
273. Schnurr, Brian A. "Appointment of a Committee in Ontario" (re competence of psychiatric patient to manage his/her own estate) 6 Estates & Trusts Q. 26 (1982).
274. Schoenfeld, C.G. "Recent Developments in the Law Concerning the Mentally Ill - 'A Corner-Stone of Legal Structure Laid in Mud'" 9 U. Toledo L. Rev. 1 (1977).
275. Schwartz, B.M. "In the Name of Treatment: Autonomy, Civil Commitment, and Right to Refuse Treatment" 50 Notre Dame Lawyer 808 (1975).
276. Secrest, L.F. "Case Comment on Parham v. J.R.: Juveniles Committed to State Mental Hospitals Upon Application of Parents or Guardians" 29 Emory L.J. 517 (1980).
277. Semler, J.D. "A Child's Emotional Health - The Need for Legal Protection" 15 Tulsa L.J. 299 (1979).
278. Sepajak, Diana et al. "Clinical Predictions of Dangerousness: Two-Year Follow-Up of 408 Pre-Trial Forensic Cases" 11 Am. Acad. Psychiatry & L. Bull. 171 (1983).
279. Shah, S.A. "Legal and Mental Health System Interactions: Major Developments and Research Needs" 4 Int'l J. L. & Psychiatry 219 (1981).
280. Shaman, J.M. "Persons Who Are Mentally Retarded: Their Right to Marry and Have Children" 12 Fam. L.Q. 61 (1978).
281. Shannon, J.A. Jr. "Expungement of Mental Health Records in the Civil Commitment Context: A Remedy in Search of a Right" 19 Ariz. L. Rev. 377 (1977).
282. Shaw, R.H. "Legislative Naivete in Involuntary Sterilization Laws" 12 Wake Forest L. Rev. 1064 (1976).
283. Sherlock, R.K. & Sherlock, R.D. "Sterilizing the Retarded: Constitutional, Statutory and Policy Alternatives" 60 No. Car. L. Rev. 943 (1982).
284. Shobat, Steven "Pathway Through the Psychotropic Jungle: The Right to Refuse Psychotropic Drugs in Illinois" 18 John Marshall L. Rev. 407 (1985).



285. Shoenberger, Allen E. "'Voluntary' Commitment of Mentally Ill or Retarded Children: Child Abuse by the Supreme Court" 7 U. Dayton L. Rev. 1 (1981).
286. Shuman, D.W. & Hawkins, R. "The Use of Alternatives to Institutionalization of the Mentally Ill" 33 Southwestern L.J. 1181 (1980).
287. Shuman, D.W. & Weiner, M.S. "The Privilege Study: An Empirical Examination of the Psychotherapist-Patient Privilege" 60 No. Car. L. Rev. 893 (1982).
288. Siegel, T.I. "Deprogramming Religious Cultists" 11 Loyola of L.A. L. Rev. 807 (1978).
289. Sieradzki, B. "Constitutional Law - Voluntary Commitment of Minors - Civil Commitment Procedures - J.L. & J.R. v. Parham" 23 N.Y. Law School L. Rev. 339 (1977).
290. Silverman, Daniel "Constitutional Law - Parents' Rights - Continued Institutionalization: The Child's Rights, the Parents' Dilemma - Halderman v. Pennhurst State School & Hospital, 707 F. 2d 702 (3d Cir. 1983)" 57 Temple L.Q. 135 (1984).
291. Silverstein, E.M. "Civil Commitment of Minors: Due and Undue Process" 58 No. Car. L. Rev. 1133 (1980).
292. Simet, Donald P. "Power, Uncertainty, and Choice: The Voluntary Commitment of Children - Parham v. J.L." 20 U.W.O. L. Rev. 141 (1982).
293. Simons, A.J. "Psychic Injury and the Bystander: The Transcontinental Dispute Between California and New York" 51 St. John's L. Rev. 1 (1976).
294. Simpson, David T. Jr. "Involuntary Civil Commitment: The Dangerousness Standard and Its Problems" 63 No. Car. L. Rev. 241 (1985).
295. Singer, R. "Consent of the Unfree: Medical Experimentation and Behaviour Modification in the Closed Institution, Part I and Part II" 1 Law & Human Behavior 1 and 101 (1977).
296. Slovenko, R. "Accountability and Abuse of Confidentiality in the Practice of Psychiatry" 2 Int'l. J. L. & Psychiatry 431 (1979).
297. Slovenko, R. "Psychotherapy and Confidentiality" 24 Cleve. St. L. Rev. 375 (1975).

298. Smith, Gaylord "The Rights of Involuntarily Committed Mentally Retarded Persons under the Fourteenth Amendment - Youngberg v. Romeo" 31 Kansas L. Rev. 451 (1983).
299. Sneiderman, B. "The Stephen Dawson Case: Whose Decision Is It Anyway?" 14 Manitoba L. J. 165 (1984).
300. Snow, J.S. "Voluntary Admission of Minors to Mental Hospitals in Texas: A Proposal" 13 St. Mary's L.J. 621 (1982).
301. Sokkappa, P.M. "Sterilization Petitions: Developing Judicial Guidelines" 44 Mont. L. Rev. 127 (1983).
302. Somerville, Margaret A. "Birth Technology, Parenting and 'Deviance'" 5 Int'l. J. L. & Psychiatry 123 (1982).
303. Sparr, L.F. & Roth L.H. "Family Opposition to Psychiatric Treatment: A Medicolegal Dilemma" 11 Am. Acad. Psychiatry & L. Bull. 51 (1983).
304. Spece, R.G. "Conditioning and Other Technologies Used to 'Treat'? 'Rehabilitate'? 'Demolish'? Prisoners and Mental Patients" 45 So. Calif. L. Rev. 616 (1972).
305. Speiser, S.M. & Malawer S.S. "An American Tragedy: Damages for Mental Anguish of Bereaved Relatives in Wrongful Death Actions" 51 Tulane L. Rev. 1 (1976).
306. Spendlove, G. "Legal Issues in the Use of Guardianship Procedures to Remove Members of Cults" 18 Ariz. L. Rev. 1095 (1976).
307. Splane, Stephanie I. "Tort Liability for the Mentally Ill in Negligence Actions" 93 Yale L.J. 153 (1983).
308. Spoonhour, J.M. "Psychosurgery and Informed Consent" 27 U. Fla. L. Rev. 432 (1974).
309. Stage, G.L. "Relief for the Civilly Committed: A Constitutional Right to Treatment" 63 Kentucky L.J. 469 (1975).
310. Stanchik, Dennis "A Ship of Fools: Contemporary Legal Attitudes Toward the Mentally Disordered Criminal Defendant" 52 U.M.K.C. L. Rev. 443 (1984).
311. Stanridge, L.W. "Psychosurgery" 3 Leg. Med. Q. 24 (1979).
312. Starkman, B. "Sterilization of the Mentally Retarded Adult: The Eve Case" 26 McGill L.J. 931 (1981).
313. Steadman, Henry J. et al. "The Impact of State Mental Hospital

Deinstitutionalization on United States Prison Populations, 1968-1978" 75 J. Crim. L. & Criminology 474 (1984).

314. Stephenson, S.A. "Sterilization Abuse: A Proposed Regulatory Scheme" 28 DePaul L. Rev. 731 (1979).
315. Stetter, R. "Kidney Donation from Minors and Incompetents" 35 La. L. Rev. 551 (1975).
316. Stone, Alan A. "The Ethical Boundaries of Forensic Psychiatry: A View from the Ivory Tower" 12 Am. Acad. Psychiatry & L. Bull. 209 (1984).
317. Stone, Alan "Psychiatric Abuse and Legal Reform: Two Ways to Make a Bad Situation Worse" 5 Int'l. J. L. & Psychiatry 9 (1982).
318. Stone, Julius "Madness and Guilt: Appalling the Free" 17 Aust. & N.Z. J. of Criminology 239 (1984).
319. Stromberg, Clifford & Stone, Alan "A Model State Law on Civil Commitment of the Mentally Ill" 20 Harv. J. Legislation 275 (1983).
320. Strong, Carson "Defective Infants and Their Impact on Families: Ethical and Legal Considerations" 11 Law, Medicine & Health Care 168 (1983).
321. Stroube, M.K. "The Psychotherapist-Patient Privilege: Are Some Patients More Privileged than Others?" 10 Pac. L.J. 801 (1979).
322. "Substantive Due Process Limits on the Duration of Civil Commitment for the Treatment of Mental Illness" 16 Harv. Civ. Rights - Civ. Liberties L. Rev. 205 (1981).
323. Sullivan, T.M. "The Involuntarily Confined Mental Patient and Informed Consent to Psychiatric Treatment" 5 Loyola U. L.J. 578 (1974).
324. Symonds, E. "Mental Patients' Rights to Refuse Drugs: Involuntary Medication as Cruel and Unusual Punishment" 7 Hastings Const. L.Q. 701 (1980).
325. Symposium - Institutionalization (Mental Health), 14 San Diego L. Rev. 979-1204 (1977).
326. Symposium - Law and Psychiatry, 66 Va. L. Rev. 427-726 (1980).
327. Symposium - Mental Incompetents and the Right to Die (Quinlan and Saikewicz cases) 11 Suffolk U. L. Rev. 919-973 (1977).

328. Symposium - Mentally Retarded People and the Law, 31 Stanford L. Rev. 541-829 (1979).
329. Symposium on Behavior Modification, 17 Ariz. L. Rev. 1-143 (1975).
330. Symposium on Behavior Modification in Prisons, 13 Am. Crim. L. Rev. 1-113 (1975).
331. Symposium on Mental Disability and the Law, 62 Calif. L. Rev. 671-1068 (1974).
332. Symposium on Mental Health and the Law, 23 Catholic U. L. Rev. 643-814 (1974).
333. Symposium on Mental Health and the Law, 123 U. Pa. L. Rev. 243-508 (1974).
334. Symposium on Psychosurgery, 54 Boston U. L. Rev. 215-353 (1974).
335. Taub, Sheila "Psychiatric Malpractice in the 1980s: A Look at Some Areas of Concern" 11 Law, Medicine & Health Care 97 (1983).
336. Taylor, Lawrence & Dalton, K. "Premenstrual Syndrome: A New Criminal Defense?" 19 Cal. Western L. Rev. 269 (1983).
337. Tecimer, D. "Cramer v. Tyars: An Anomaly in California Civil Commitment Case Law" 14 Loyola of L.A. L. Rev. 165 (1980).
338. Teff, Harvey "Liability for Negligently Inflicted Nervous Shock" 99 L.Q. Rev. 100 (1983).
339. "The Tragic Choice: Termination of Care for Patients in a Permanent Vegetative State" 51 N.Y.U. L. Rev. 285 (1976).
340. Trebilcock, Michael J. & Shaul, Jeffrey "Regulating the Quality of Psychotherapeutic Services" in Donald N. Dewees, ed., The Regulation of Quality (Toronto: Butterworths, 1983) 275.
341. Twerski, Shlomo "Affirmative Duty after Tarasoff" 11 Hofstra L. Rev. 1013 (1983).
342. Uelmen, G.F. "The Psychiatrist, the Sociopath and the Courts: New Lines for an Old Battle" 14 Loyola of L.A. L. Rev. 1 (1980).



343. Valentine, G.H. "Casenote on Tarasoff v. Regents of the University of California 37 U. Pgh. L. Rev. 155 (1975).
344. "'Voluntary' Admission of Children to Mental Hospitals: A Conflict of Interest Between Parent and Child" 36 Md. L. Rev. 153 (1976).
345. Watson, A.S. "Children, Families and Courts: Before the Best Interests of the Child and Parham v. J.R." 66 Va. L. Rev. 653 (1980).
346. Weathered, F. "Casenote on In Re Sterilization of Moore" 3 Texas Tech. L. Rev. 436 (1976).
347. Webster, C.D. "On the Inevitability of Losing a Dangerous Offender Hearing under Part XXI of the Criminal Code of Canada: A Slightly Eccentric and Somewhat Ascerbic [sic] View" 6 Crim. Lawyers' Ass'n. Newsletter (No. 5) 6 (1985).
348. Weidert, Diane M. "Constitutional Rights of the Involuntarily Committed Mentally Retarded after Youngberg v. Romeo" 14 St. Mary's L.J. 1113 (1983).
349. Weinstock, Robert et al. "Competence to Give Informed Consent for Medical Procedures" 12 Am. Acad. Psychiatry & L. Bull. 117 (1984).
350. Wellsch, Todd "The Right of the Civilly Committed Mental Patient to Refuse Treatment" 48 Sask. L. Rev. 269 (1983?).
351. "Wentzel v. Montgomery General Hospital - Maryland's Equitable Jurisdiction over Sterilization Petitions: A Constitutional Analysis" 42 Md. L. Rev. 549 (1983).
352. Wexler, David B. "The Structure of Civil Commitment: Patterns, Pressures and Interactions in Mental Health Legislation" 7 Law & Human Behavior 1 (1983).
353. Wexler, David B. "Patients, Therapists, and Third Parties: The Victimological Virtues of Tarasoff" 2 Int'l. J. L. & Psychiatry 1 (1979).
354. Whitman, M.A. "Behavior Modification: Introduction and Implications" 24 De Paul L. Rev. 949 (1975).
355. Wikler, D. "Paternalism and the Mildly Retarded" 8 Philosophy & Pub. Aff. 377 (1979).
356. Wilcox, D.E. "Misrepresentation in the Forensic Psychiatric Examination: Attempts to Manipulate the Legal System" 4 Am. J. Forensic Psychiatry 119 (1983?).

357. Winschel, Eric "The First Amendment Right to Freedom of Thought as Applied to Involuntarily Committed Mental Patients' Right to Refuse Drugs" 26 St. Louis U. L.J. 973 (1982).
358. Wise, Toni P. "Where the Public Peril Begins: A Survey of Psychotherapists to Determine the Effects of Tarasoff" 31 Stanford L. Rev. 165 (1978).
359. Wolfe, Sherrie A. "The Scope of a Psychiatrist's Duty to Third Persons: The Protective Privilege Ends Where the Public Peril Begins" 59 Notre Dame L. Rev. 770 (1984).
360. Wright, Mary D. "Narrowing the Attorney-Client Privilege: A Crippling Blow to the Insanity Defense" 51 U.M.K.C. L. Rev. 386 (1983).
361. "The Wyatt Case: Implementation of a Judicial Decree Ordering Institutional Change" 84 Yale L.J. 1338 (1975).
362. Yazel, J. Joe "Evaluating Mental Injury and Impairment: The Major Theoretical Frameworks in Psychiatry" 32 Defense L.J. 671 (1983).
363. Zenoff, Elyce H. & Zients, Alan B. "If Civil Commitment Is the Answer for Children, What are the Questions?" 51 Geo. Wash. L. Rev. 171 (1983).
364. Zlotnick, D. "First Do No Harm: Least Restrictive Alternatives Analysis and the Right of Mental Patients to Refuse Treatment" 83 W. Va. L. Rev. 375 (1981).
365. Zwerdling, Zachary E. "Informed Consent and the Mental Patient: California Recognizes a Mental Patient's Right to Refuse Psychosurgery and Shock Treatment" 15 Santa Clara Lawyer 725 (1975).